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NOTIFICATION.

No. L. D. 1757—Legis. 4-50-48, Bangalore, dated 30th August 1950.

Ordered that the following Industrial Disputes (Appellate Tribunal) Rules, 1950 published in the *Gazette of India*, Part I, Section 1, dated the 8th August 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LABOUR

NOTIFICATION.

New Delhi, the 8th August 1950.

No. LR. 91(3).—In exercise of the powers conferred by section 35 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950), the Central Government is pleased to make the following rules :—

1. *Short title.*—These rules may be called the Industrial Disputes (Appellate Tribunal) Rules, 1950 :—

2. *Definitions.*—In these rules,—

(a) " Act " means the Industrial Disputes (Appellate Tribunal) Act, 1950 ;

(b) " form " means a form appended to these rules ;

(c) " Registrar " means the person who is for the time being discharging the functions of the Registrar of the Tribunal ;

(d) " Tribunal " means the Labour Appellate Tribunal constituted by the Central Government under section 4 of the Act.

(e) all other words and expressions not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. *Form of appeal.*—Every appeal shall be preferred to the Tribunal in Form A and shall be signed by the appellant.

4. *Presentation.*—(1) A memorandum of appeal to the Tribunal shall be presented by the appellant in person or by an agent, to the Registrar at the principal seat of the Tribunal or to an officer authorised in this behalf by the Registrar, with the approval of the Chairman of the Tribunal, or sent by registered post addressed to the Registrar or such officer.

(2) Every memorandum of appeal shall be presented in triplicate and shall be accompanied by—

(*a*) two copies (one at least of which shall be certified copy) of the award or decision appealed from, and

(*b*) a fee of Rs. 25 :

Provided that the Tribunal may, at its discretion, accept a memorandum of appeal which is not accompanied by the documents referred to in clause (a).

5. *Date of presentation.*—Where a memorandum of appeal is presented, the Registrar or other authorised officer shall endorse thereon the date of presentation :

Provided that where a memorandum of appeal is sent by registered post, it shall be deemed to have been presented on the day on which it is received in the office of the Registrar or, as the case may be in the office of the authorised officer.

6. *Signature on memorandum of appeal where an appeal is by corporation or firm.*—In the case of an appeal by a corporation, the memorandum of appeal may be signed by the secretary or by any director or other principal officer of the corporation, and in the case of an appeal by a firm, such memorandum of appeal may be signed by any partner of the firm.

7. *Rejection or amendment of memorandum of appeal.*—(1) Where a memorandum of appeal is not drawn up in the manner hereinbefore prescribed, the Tribunal may reject it or return it to the appellant for the purpose of being amended within a time to be fixed by the Tribunal or be amended then and there.

(2) Where the Tribunal rejects any memorandum of appeal, it shall record the reasons for such rejection.

(3) Where a memorandum of appeal is amended, the Tribunal or such officer as it may appoint in this behalf shall sign or initial the amendment.

8. *Date for hearing appeal.*—(1) Where a memorandum of appeal is presented in the proper form, the Tribunal shall fix a date for hearing the appeal.

(2) Notice of the date fixed under sub-rule (1) shall be affixed in the premises where the Tribunal sits and shall be served on the respondent in the manner provided for the service on a defendant of a summons under the Code of Civil Procedure, 1908; and all the provisions applicable to such summonses and to proceedings with reference to the service thereof shall apply to the service of such notice.

9. *Procedure on hearing.*—(1) On the date fixed or any other date to which the hearing may be adjourned, the appellant shall be heard in support of the appeal.

(2) The Tribunal shall then if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such a case the appellant shall be entitled to reply.

10. *Dismissal of appeal for appellant's default.*—(1) Where on the date fixed or any other date to which the hearing may be adjourned the appellant does not appear when the appeal is called on for hearing, the Tribunal may make an order that the appeal be dismissed.

(2) Where the appellant appears and the respondent does not appear, the appeal shall be heard *ex parte*.

11. *Power to adjourn hearing and direct persons appearing interested to be made respondents.*—(1) Where it appears to the Tribunal at the hearing that any person who was a party to the proceedings relating to the award or decision appealed from but who has not been made a party to the appeal is interested in the result of the appeal, the Tribunal may adjourn the hearing to a future date to be fixed by the Tribunal and direct that such person be made a respondent.

12. *Order in appeal.*—The Tribunal, after hearing the parties and referring to any part of the proceedings, shall pronounce judgment either at once or on some future date of which notice shall be given to the parties.

13. *Language.*—The language of the Tribunal shall be English.

Form 'A'

Before the Honourable Labour Appellate Tribunal [Constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950].

Memorandum of Appeal to the Tribunal

Appeal No.....of 19.....

A..... Appellant/s

Address:—

Versus:—

B:..... Respondent/s

Address.—

In the matter of.....

The appellant/s have named beg/s :—to appeal against the award or decision of.....

made on.....in the above matter on the following amongst other grounds:—

1. That.....
2. *That*..... .....etc.

Certified copy of the award or decision appealed against (together with a spare copy) is enclosed herewith.

(1) *Signature or thumb impression of applicant/s.*

Date.....

The appellant/s does/do solemnly declare that what is stated in paragraph..... above is true to my knowledge, in paragraph.....to my belief and in paragraph..... .....to my information. This verification is signed at.....on.....day of.....19 .

(2) *Signature or thumb impression of appellant/s.*

Drafted by

Place

Signature, etc.

K. N. SUBRAMANIAN, *Joint Secretary.*